IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25241 of 2005

Between:

Bussa Babu

..... PETITIONER

AND

The District Collector,

Medak District at Sangareddy and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the notification No.B/5845/99, dated 27.04.2005 issued by the 3rd respondent, calling applications for appointment of fair price shop dealer in the place of the petitioner, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was a fair price shop dealer of shop No.1 of Duddeda village, Kondapaka Mandal of Medak District. After issuing a show cause notice and after considering explanation, the 3rd respondent has cancelled the dealership of the petitioner by his order dated 22.10.1998 on certain irregularities said to have been committed by the petitioner. As against the said order, the petitioner filed an appeal before the 2nd respondent on 30.10.1998 and also filed stay application on 16.11.1998, and the 2nd respondent granted stay of operation of order of the 3rd respondent, till the disposal of the appeal, by order dated 30.12.1998.

It is stated that the appeal was heard and final orders have been passed, dismissing the said appeal in Case No.CSA/19/A/98, dated 05.02.2001. On a perusal of the appellate order, it goes to show that a copy of the said order was communicated to the petitioner through his counsel Sri C.Pratap Reddy, Sangareddy, and also copies of the said order were marked to the Mandal Revenue Officer, Kondapak and the 3rd respondent.

The learned counsel for the petitioner contended that even after cancellation of his dealership, the petitioner has been continuously carrying on business as the said cancellation order i.e. appellate order has not been communicated to the petitioner. He further contended that the petitioner has only got knowledge of the appellate order when the impugned notification dated 27.04.2005 has been issued, calling applications for the appointment of fair price shop dealer in the place of the petitioner.

Questioning the said notification, the petitioner earlier filed W.P.No.11078 of 2005 on the file of this Court, contending that he has filed a revision before the District Collector, Medak District against the order of the appellate authority, and pending disposal of revision, issuance of notification, calling applications for appointment of fair price shop dealer, as illegal and arbitrary. This Court disposed of the said writ petition on 26.09.2005, directing the District Collector, Medak District to pass appropriate orders on the revision petition filed by the petitioner. Thereafter, the 1st respondent communicated an endorsement dated 09.11.2005 to the petitioner stating that the revision filed by the petitioner was already disposed of on 20.05.2005 and the copy of the same was also dispatched to the petitioner on 23.05.2005. The revision was dismissed on the ground that the revision was filed beyond the period of limitation.

When the petitioner himself filed revision questioning the order of the appellate authority, it cannot be said that the petitioner has no knowledge about the communication of the order of the appellate authority, dated 05.02.2001. Therefore, it cannot be said that the copy of the appellate authority has not been communicated to the petitioner. The cancellation of authorization has become final and no appeal has been filed within the prescribed period and the revision filed by the petitioner has been dismissed on the ground that it was filed beyond the prescribed limitation period, and therefore, it cannot be said that issuance of impugned notification dated 27.04.2005, calling applications for appointment of fair price shop dealer in the place of the petitioner as illegal and arbitrary. The writ petition deserves no merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 28.11.2005

Dsr